

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

GENE A. TROTMAN,

Plaintiff,

v.

UNITED STATES AIR FORCE and

UNITED STATES ARMY,

Defendants.

Civil Action No.: 3:11-cv-2003

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Gene A. Trotman is a veteran of the United States Air Force. On November 4, 2011, Mr. Trotman submitted a Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, request to the U.S. Army (“Army”). On November 8, 2011, Mr. Trotman submitted a FOIA request to the U.S. Air Force (“Air Force”). The Army and the Air Force have failed to provide the requested records within the period designated by 5 U.S.C. § 552(a)(6)(A)(i).

Mr. Trotman requires these records to support his claim for service-connected disability compensation for Post Traumatic Stress Disorder, which is currently pending before the Department of Veterans Affairs.

1. This is an action under FOIA for declaratory relief that the Air Force and the Army (collectively “Defendants”) have failed to comply with FOIA by improperly withholding records, and for injunctive relief to compel Defendants to produce agency records improperly withheld from Mr. Trotman (“Plaintiff”).

2. Plaintiff seeks to compel the release of records pertaining to his incarceration at the brig at Fort George G. Meade, dating from on or about August 1, 1973 to on or about October 15, 1973.

JURISDICTION AND VENUE

3. This court has jurisdiction over this matter pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331 and 1361.

4. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e)(3), as Plaintiff resides in the District of Connecticut.

PARTIES

5. Plaintiff Gene A. Trotman currently resides at 31 Sharon Road, Apt. 10, in Waterbury, Connecticut.

6. Defendant Air Force is an agency within the meaning of 5 U.S.C. § 552(f).

7. Defendant Army is an agency within the meaning of 5 U.S.C. § 552(f).

STATEMENT OF FACTS

Background

8. Plaintiff is a veteran of the United States Air Force.

9. Plaintiff served on active duty from April 1972 to October 1973.

10. Plaintiff was confined at the Fort George G. Meade brig between on or about August 1, 1973 and on or about October 15, 1973.

11. At the time Plaintiff was held at the Fort George G. Meade brig, the brig was under the control of Defendant Air Force.

12. The Fort George G. Meade brig is currently under the control of Defendant Army.

13. Plaintiff has applied to the United States Department of Veterans Affairs (“VA”) for service-connected disability compensation for Post Traumatic Stress Disorder (PTSD). His claim, filed *pro se*, was initially denied by the VA and is now on appeal to the Board of Veterans Appeals. Undersigned counsel represent Mr. Trotman in his VA benefits appeal. The records requested from Defendants contain information necessary to support his claim.

Plaintiff’s FOIA Requests to Defendants

14. In an effort to obtain information to support his claim for service-connected disability compensation, Plaintiff submitted a fully executed FOIA request to Defendant Army at the FOIA Office for Fort George G. Meade by facsimile and by Federal Express on November 4, 2011. The FOIA request sought release of all records containing information pertaining to Plaintiff’s incarceration in the Fort George G. Meade brig, as well as information regarding any incarcerated service member with the last name Coleman. A copy of the FOIA request of November 4, 2011 is attached to this complaint as Exhibit A.

15. Defendant Army responded to the FOIA request with an undated facsimile instructing Plaintiff’s counsel to forward the FOIA request to the U.S. Army Criminal Investigation Command of the U.S. Crime Record Center in Fort Belvoir, Virginia.

16. Plaintiff submitted through the United States Air Force’s Online FOIA submission system (<https://www.foia.af.mil/palMain.aspx>) a fully executed FOIA request to Defendant Air Force on November 8, 2011. The FOIA request sought release of all records containing information pertaining to Plaintiff’s incarceration in the Fort George G. Meade brig, as well as information regarding any incarcerated service member

with the last name Coleman. A copy of the FOIA request of November 8, 2011 is attached to this complaint as Exhibit B.

17. Defendant Air Force confirmed receipt of the FOIA request by email on November 8, 2011.

18. On November 9, 2011, Defendant Air Force responded to the FOIA request, with a clarification letter seeking a signed Certification of Identity.

19. Plaintiff completed and returned via email the requested Certification of Identity to Defendant Air Force on November 11, 2011.

20. To date, Defendants have not provided the records requested by Plaintiff in the FOIA requests, notwithstanding the FOIA's requirement of an agency determination within twenty (20) working days. 5 U.S.C. § 552(a)(6)(A)(i).

21. As Defendants have failed to comply with the applicable time limit provisions, Plaintiff has exhausted his administrative remedies with respect to the FOIA request. 5 U.S.C. § 552(a)(6)(C)(i).

22. Defendants have wrongfully withheld the requested records from Plaintiff.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Order Defendants to disclose the requested records in their entirety and to make copies available to Plaintiff;
- 3) Provide for expeditious proceedings in this action;
- 4) Award Plaintiff costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and

5) Grant any other relief the Court deems appropriate.

Dated December 24, 2011
New Haven, Connecticut

Respectfully Submitted,

By: _____/s/_____
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Margaret Middleton, Volunteer Cooperating Attorney,
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